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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/570,013

02/28/2006

Kei Yoshida

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EXAMINER

KUMAR, SHAIENDRA

ART UNIT

PAPER NUMBER

1621

NOTIFICATION DATE

DELIVERY MODE

11/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/570,013	Applicant(s) YOSHIDA ET AL.	
	Examiner SHAIENDRA -. KUMAR	Art Unit 1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009 and 22 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. **This office action is in response to the applicants' correspondence of 5/9/09 and the Petition Decision rendered on 10/22/09. In view of the decision, all the previous office action including restriction requirements are hereby vacated and following restriction requirement is in order.**

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, 12-14 and 17-21, drawn to compounds, composition, method of making and method of using, when A1 to A4 are carbon, classified in 560, subclass various.

Group II, claim(s) 1-8, 12-14 and 17-21 drawn to compounds, composition, method of making and method of using, when one of A1 to A4 are nitrogen, classified in 546, subclass various.

Group III, claim(s) 1-6, 12-14 and 17-21, drawn to compounds, composition, method of making and method of using, when two of A1 to A4 are nitrogen, classified in class 544, subclass various.

Group IV, claim(s) 1-6, 12-14, 17-21, drawn to compounds, composition, method of making and method of using, when three of A1 to A4 are nitrogen.

Group V, claim(s) 1-6, 12-14 and 17-21, drawn to compounds, composition, method of making and method of using, when all of A1 to A4 are nitrogen, classified in class 544 subclass various.

Group VI, claim(s) 9, drawn to intermediate, when A1 to A4 are carbon, classified in class 560, subclass various.

Group VII, claim(s) 9, drawn to intermediate, when one of A1 to A4 is nitrogen, classified in class 546, subclass various.

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Group VIII, claim(s) 9, drawn to intermediate, when two of A1 to A4 are nitrogen, classified in class 544, subclass various.

Group IX, claim(s) 9, drawn to intermediate, when three of A1 to A4 are nitrogen, classified in class 544, subclass various.

Group X, claim(s) 9, drawn to intermediate, when all of A1 to A4 are nitrogen, classified in class 544, subclass various.

Group XI, claim(s) 10-11, drawn to compounds, when all of A1-A4 are carbon, classified in class 564, subclass various.

Group XII, claim(s) 10-11, drawn to compounds, when one of A1 to A4 is nitrogen, classified in class 546, subclass various.

Group XIII, claim(s) 10-11, drawn to compounds, when two of A1 to A4 are nitrogen, classified in class 544, subclass various.

Group IXV, claim(s) 10-11, drawn to compounds, when three of A1 to A4 are nitrogen, classified in class 544, subclass various.

Group XV, claim(s) 10-11, drawn to compounds, when all of A1 to A4 are nitrogen, classified in class 544, subclass various.

Group XVI, claim(s) 15-16, drawn to aniline derivatives, classified in class 564, subclass 300+.

3. The inventions listed as Groups I-XVI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the compounds do not have a common core and are structurally divergent and disparate, as they are not novel as apparent from JP 11-511442 A, and consequently, the matter common to these sixteen inventions is not a special technical feature and are not considered to be so linked as to from a single inventive concept.

4. In view of the complex nature of the restriction requirement, a written restriction requirement has been made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

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requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAILENDRA -. KUMAR whose telephone number is (571)272-0640. The examiner can normally be reached on Mon-Thur 8:00-5:30, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on (571)272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SHAIENDRA - KUMAR/
Primary Examiner, Art Unit 1621

S. Kumar
11/19/09